

APPENDIX B

What constitutes a “Case Assignment”?

A “case assignment” in criminal matters, includes all charges against a single defendant that arise out of a single event, transaction or occurrence. For example, it would be one “case assignment” if a defendant has a DUI, a DUS and a No Insurance charge all arising from the same stop, whether or not the DUI, DUS and No Insurance offenses were charged in one or three charging documents.

A case assignment regarding a petition to revoke probation, includes all matters brought in the petition, or amended petition, no matter how many underlying cases are involved.

A case assignment regarding a post-conviction application involves all matters brought in the application, or amended application, no matter how many underlying cases are involved.

A case assignment regarding an appeal involves all matters raised in the appellate brief, no matter how many case assignments were involved at the trial level.

A case assignment regarding a child support matter involves all court files in which the petitioner and respondent are identical, but only includes those matters in the court files in which a constitution, statute or rule requires that an attorney be provided by this agency at public expense.

A motion for a new trial based on newly discovered evidence under Rule 33 (b) (1) of the North Dakota Rules of Criminal Procedure is a separate case assignment.

A “case assignment” in juvenile matters, which are informally adjusted, involve all the pending allegations concerning the juvenile, whether or not the allegations pertain to events occurring on the same or different dates.

A “case assignment” in juvenile deprivation matters, includes all allegations brought in a single petition alleging that the juvenile is deprived, whether or not the allegations pertain to events occurring on the same or different dates.

A “case assignment” in juvenile “unruly” matters, includes all allegations brought in a single petition alleging that the juvenile is unruly, whether or not the allegations pertain to events occurring on the same or different dates.

A “case assignment” in juvenile delinquency matters, includes all allegations against one juvenile that arise out of a single event, transaction or occurrence. For example, it would be one “case assignment” if a juvenile has criminal trespass and theft allegations arising from the same incident

A termination of parental rights case constitutes one “case assignment.”

A case assignment regarding any other matter includes only the specific matter in the court file for which a constitution, statute or rule requires that an attorney be provided by this agency at public expense.